



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2023 Rhif 1113 (Cy. 193)

2023 No. 1113 (W. 193)

ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn y Cod Apelau Derbyn i
Ysgolion (Diwrnod Penodedig)
(Cymru) 2023**

**The School Admission Appeals
Code (Appointed Day) (Wales)
Order 2023**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn pennu 1 Tachwedd 2023 fel y diwrnod y daw'r Cod Apelau Derbyn i Ysgolion ("y Cod") a ddyroddir gan Weinidogion Cymru o dan adrannau 84 a 85 o Ddeddf Safonau a Fframwaith Ysgolion 1998 ("Deddf 1998") i rym. Mae'r Cod yn gymwys o ran Cymru ac mewn perthynas â derbyniadau i'r flwyddyn ysgol 2023/2024 a blynnyddoedd dilynol. Mae'r Cod yn disodli'r Cod Apelau Derbyn i Ysgolion a ddyroddwyd ym mis Rhagfyr 2013 ac a ddaeth i rym ar 1 Ionawr 2014.

Mae'r Cod yn gosod gofynion ac yn cynnwys canllawiau sy'n nodi nodau, amcanion a materion eraill mewn perthynas â'r trefniadau ar gyfer apelau mewn perthynas â derbyn i ysgolion. O dan adran 84(3) o Ddeddf 1998, dyletswydd awdurdodau lleol, cyrff llywodraethu ysgolion a gynhelir, fforymau derbyn a phaneli apêl, wrth arfer swyddogaethau o dan Bennod 1 o Ran 3 o Ddeddf 1998, yw gweithredu yn unol ag unrhyw ddarpariaethau perthnasol yn y Cod. Yn ogystal, rhaid i unrhyw berson arall, wrth arfer unrhyw swyddogaeth at ddiben cyflawni, gan awdurdod lleol neu gorff llywodraethu ysgol a gynhelir, swyddogaethau o dan y Bennod honno, weithredu yn unol ag unrhyw ddarpariaethau perthnasol yn y Cod.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1 November 2023 as the day on which the School Admission Appeals Code ("the Code") issued under sections 84 and 85 of the School Standards and Framework Act 1998 ("the 1998 Act") by the Welsh Ministers, comes into force. The Code applies in relation to Wales and in respect of admissions to the school year 2023/2024 and subsequent years. The Code replaces the School Admission Appeals Code which issued in December 2013 and which came into force on 1 January 2014.

The Code imposes requirements and includes guidelines setting out aims, objectives and other matters in relation to the arrangements for appeals in relation to admission to schools. Under section 84(3) of the 1998 Act, it is the duty of local authorities, the governing bodies of maintained schools, admission forums and appeal panels when exercising functions under Chapter 1 of Part 3 of the 1998 Act to act in accordance with any relevant provisions of the Code. In addition, any other person, when exercising any function for the purpose of the discharge by a local authority or the governing body of a maintained school of functions under that Chapter, must act in accordance with any relevant provisions of the Code.

Y prif newidiadau a gyflwynir yn y Cod hwn yw—

- (a) pŵer i awdurdodau derbyn i benderfynu, o dan amgylchiadau penodol, pa un a yw gwrandawriad apêl i'w gynnal yn bersonol, drwy fynediad o bell (“apêl o bell”) neu'n rhannol yn bersonol ac yn rhannol drwy fynediad o bell (“apêl hybrid”),
- (b) dyletswydd, os yw'r awdurdod derbyn yn penderfynu cynnal apêl o bell neu apêl hybrid, fod rhaid iddo wneud yr holl drefniadau angenrheidiol er mwyn i'r panel apêl gael mynediad at yr offer mynediad o bell angenrheidiol, ac
- (c) pŵer i'r awdurdodau derbyn i benderfynu y caniateir penderfynu apêl ar sail gwybodaeth ysgrifenedig yn unig, o dan amgylchiadau penodol.

The main changes introduced in this Code are—

- (a) a power for admission authorities to decide in certain circumstances whether an appeal hearing is to be held in person, by remote access (“a remote appeal”) or partly in person and partly by remote access (“a hybrid appeal”),
- (b) a duty that if the admission authority decides to have a remote appeal or a hybrid appeal it must make all necessary arrangements for the appeal panel to have access to the necessary remote access equipment, and
- (c) a power for the admission authorities to decide that an appeal may be decided on the basis of written information only in certain circumstances.

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Gwnaed

23 Hydref 2023

Made

23 October 2023

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 85(5) o Ddeddf Safonau a Fframwaith Ysgolion 1998 ac a freiniwyd bellach ynddynt hwy(1), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers in exercise of the power conferred on the Secretary of State by section 85(5) of the School Standards and Framework Act 1998 and now vested in them(1) make the following Order:

Enwi a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn y Cod Apelau Derbyn i Ysgolion (Diwrnod Penodedig) (Cymru) 2023.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Title and application

1.—(1) The title of this Order is the School Admission Appeals Code (Appointed Day) (Wales) Order 2023.

(2) This Order applies in relation to Wales.

Y diwrnod penodedig

2. Y diwrnod penodedig i'r Cod Apelau Derbyn i Ysgolion (y gosodwyd copi o ddrafft ohono gerbron Senedd Cymru ar 7 Awst 2023) ddod i rym yw 1 Tachwedd 2023.

Appointed day

2. The day appointed for the coming into force of the School Admission Appeals Code (a copy of a draft of which was laid before Senedd Cymru on 7 August 2023) is 1 November 2023.

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion
Cymru
23 Hydref 2023

Minister for Education and Welsh Language, one of
the Welsh Ministers
23 October 2023

(1) 1998 p. 31. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol o dan yr adran hon i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 1998 c. 31. The function of the Secretary of State under this section was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

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